

**Appln No. 10/562,751**  
**Amdt date September 9, 2008**  
**Reply to Office action of May 14, 2008**

**REMARKS/ARGUMENTS**

Claims 1-16 are pending and claims 1-16 are amended.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwabara (JP 2002-342757) in view of Lapidus et al. (U.S. 4,581,762). Applicant submits that all of the claims currently under examination in this application are patentably distinguishable over the cited references for the following reasons, and reconsideration and allowance of this application are respectfully requested.

Amended independent claim 1 includes, among other limitations, "defining said inspection region by determining a boundary between said inspection region and an outside region thereof, wherein said defining said inspection region further comprises: selecting from positions on said inspection target pattern, a reference position to be judged whether the selected reference position should be included in said inspection region," "comparing a first image signal at said selected reference position with a second image signal at a position located at a second integral multiple of said repeat pitch away from said selected reference position and a prescribed distance inward of the boundary of said repeated pattern region," and "setting said inspection region by determining said boundary such that said inspection region includes said selected reference position where said comparison of said first and second image signals indicates a value not greater than a prescribed threshold value." None of the cited references, alone or in combination, teach or suggest the above limitations.

The Examiner correctly states that Kuwabara fails to teach setting "said inspection region by containing therein said reference position when a comparison result . . . shows a value not greater than a prescribe threshold value." (Office action, page 3, last three lines and page 4, top two lines). However, the Examiner cites to col. 18, lines 5-12 and 40-57; and col. 19, lines 11-26 of Lapidus as teaching the above limitation. Applicant respectfully disagree.

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Lapidus in the cited text teaches a method for determining three points A\*, B\*, and C\* on an unknown object, which are used to orient the unknown object with respect to a known object's reference frame R (col. 19, lines 27 to 33). For this purpose, the inspection system of Lapidus moves a template 60', which is obtained from the known object, on the gradient map '64 of the unknown object, and searches for a point where a correlation between a template 60' and the overlaid portion of gradient map 64' exceeds a threshold value (see, for example, col. 18, line 5 to 12, and lines 40 to 57).

Accordingly, even if one of ordinary skill in the art was able to modify the system of Kuwabara with the teachings of Lapidus, the combined system would be able to merely compare images of two regions by verifying that the positions for comparison belong to the regions to be compared, and not "setting said inspection region by determining said boundary such that said inspection region includes said selected reference position where said comparison of said first and second image signals indicates a value not greater than a prescribed threshold value."

As a result, amended claim 1 is not obvious in view of Kuwabara and Lapidus combination.

Amended independent claims 2-3 and 9-11 include similar unobvious limitations and therefore are also patentable in view of Kuwabara and Lapidus combination.

Dependent claims 4-8 and 12-16 are dependent from allowable independent claims 1-3 and 9-11, respectively and therefore include all the limitations of respective independent claims 1-3 and 9-11, and additional limitations therein. Accordingly, these claims are also allowable over the cited references, as being dependent from an allowable independent claims 1-3 and 9-11 and for the additional limitations they include therein.

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In view of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition for allowance, and accordingly, reconsideration and allowance are respectfully requested.

Respectfully submitted,  
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By \_\_\_\_\_

  
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